

# MANDATE

SDNY (NYC)  
05-cv-8136  
CHIN

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

## MOTION INFORMATION STATEMENT

Docket Number(s): 09-4161

Caption [use short title]

Motion for: Voluntary Dismissal Pursuant to Fed. R. App. P. 27 and 42(b)

Set forth below precise, complete statement of relief sought:

Appellants respectfully request this Court to voluntarily dismiss their appeal pursuant to  
Fed. R. App. P. 27 and 42(b). Appellants have elected not to proceed with their appeal.

The Author's Guild

v.

Google, Inc.

MOVING PARTY: American Society of Media Photographers, Inc., et al.

OPPOSING PARTY: Google, Inc.

Plaintiff  Defendant  
 Appellant/Petitioner  Appellee/Respondent

MOVING ATTORNEY: Charles D. Ossola

OPPOSING ATTORNEY:

[name of attorney, with firm, address, phone number and e-mail]

Dickstein Shapiro LLP

1825 Eye St. NW

Washington, DC 20006-5403

202-420-2200 ossolac@ dicksteinshapiro.com

Court-Judge/Agency appealed from: United States District Court for the Southern District of New York, Judge Chin

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

Yes  No (explain): Google, Inc. has not entered an appearance.

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?

Yes  No

Has this relief been previously sought in this Court?

Yes  No

Requested return date and explanation of emergency:

Opposing counsel's position on motion:

Unopposed  Opposed  Don't Know

Does opposing counsel intend to file a response:

Yes  No  Don't Know

Is oral argument on motion requested?

Yes  No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

Yes  No If yes, enter date:

Signature of Moving Attorney

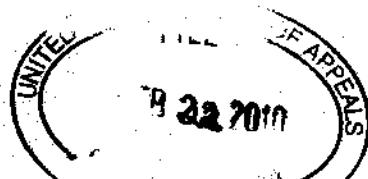
*Charles D. Ossola / MP*

Date: February 5, 2010

Has service been effected?  Yes  No [Attach proof of service]

## ORDER

Insofar as no opposition has been filed hereto, IT IS HEREBY ORDERED that the motion be, and it hereby is GRANTED.



For the Court,  
Catherine O'Hagan Wolfe, Clerk of Court  
By *Lisa J. Greenberg*  
Lisa J. Greenberg, Staff Counsel

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk

by

DEPUTY CLERK

- ISSUED AS MANDATE: 2-22-10 -